IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 28 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH
and
Hon'ble MR.JUSTICE K.A.PUJ

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

COMMISSIONER OF WEALTH TAX

Versus

SHETH AMBALAL HIMATLAL (INDL)

Appearance:

1. WEALTH TAX REFERENCE No. 28 of 1989

MRS MONA BHATT for Petitioner No. 1

MR MANISH J SHAH for MR JP SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE K.A.PUJ

Date of decision: 03/07/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this Reference at the instance of the revenue, the following question is referred for our opinion in respect of assessment years 1975-76 and 1976-77:-

"Whether, on the facts and in the circumstances of the case, the Appellate Tribunal has been right in law in confirming the deletion of addition of Rs.1,98,226/- included by the Wealth-tax Officer in wealth of the assessee?"

2. We have heard Mrs. Mona Bhatt, learned counsel for the applicant- revenue and Mr Manish J Shah for the respondent - assessee.

3. The Reference arises from the order dated 6-10-1984 of the Income-tax Appellate Tribunal, which was passed following the Tribunal's own decision dated 24-1-1980 in the earlier years. It appears that one of those orders gave rise to Wealth-tax Reference No.31 of 1982 wherein the following question was referred for the opinion of this Court:-

"Whether, on the facts and in the circumstances of the case, the amount of Rs.1,98,226/- can be included in the net wealth of the assessee for the assessment year in question?"

We are informed that the items of the properties covered by the present Reference are the same as in the aforesaid Reference.

4. In view of the above statement and following the decision dated 24-1-1994 of this Court in the aforesaid Wealth-tax Reference No.31 of 1982, we answer the question in the affirmative i.e. in favour of the assessee and against the revenue.

5. The Reference accordingly stands disposed of with no order as to costs.

(M.S. Shah,J) (K.A. Puj,J)
zgs/-